

ASSEMBLY BILL

No. 1514

Introduced by Assembly Member Gonzalez

January 15, 2014

An act to amend Section 2810 of the Fish and Game Code, relating to natural community conservation planning.

LEGISLATIVE COUNSEL'S DIGEST

AB 1514, as introduced, Gonzalez. Natural community conservation planning agreements.

The Natural Community Conservation Planning Act authorizes the Department of Fish and Wildlife to enter into a specified agreement with any person or public entity for the purpose of preparing a natural community conservation plan, in cooperation with a local agency that has land use permit authority over the activities proposed to be addressed in the plan, to provide comprehensive management and conservation of multiple wildlife species, including, but not limited to, those species listed as endangered or threatened. The act authorizes any person, or any local, state, or federal agency, independently, or in cooperation with other persons, to undertake natural community conservation planning.

The bill would also require an agreement to implement a natural community conservation plan to identify all lands within the planning area that are classified by the State Geologist as containing mineral deposits of regional or statewide significance. The bill would require the agreement, if classified mineral resources are found to exist on lands within the planning area, to include participation by the State Geologist, as specified. The bill would require the State Geologist to evaluate, among other plan principles, and, if feasible, to recommend, exclusion

from the planning area of lands containing identified mineral resources or, when reclamation practices are proposed that would render the reclaimed lands suitable for future inclusion within the planning area, temporary exclusion until the mineral resources are developed.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 2810 of the Fish and Game Code is
2 amended to read:

3 2810. (a) The department may enter into an agreement with
4 any person or public entity for the purpose of preparing a natural
5 community conservation plan, in cooperation with a local agency
6 that has land use permit authority over the activities proposed to
7 be addressed in the plan, to provide comprehensive management
8 and conservation of multiple wildlife species, including, but not
9 limited to, those species listed pursuant to Article 2 (commencing
10 with Section 2070) of Chapter 1.5. The agreement shall include a
11 provision specifying the amount of compensation, if any, payable
12 to the department pursuant to Section 2829.

13 (b) The agreement shall meet all of the following conditions:

14 (1) The agreement shall be binding upon the department, other
15 participating federal, state, and local agencies, and participating
16 private landowners.

17 (2) The agreement shall define the geographic scope of the
18 conservation planning area.

19 (3) The agreement shall identify a preliminary list of those
20 natural communities, and the endangered, threatened, candidate,
21 or other species known, or reasonably expected to be found, in
22 those communities, that are intended to be the initial focus of the
23 plan.

24 (4) The agreement shall identify preliminary conservation
25 objectives for the planning area.

26 (5) The agreement shall establish a process for the inclusion of
27 independent scientific input to assist the department and plan
28 participants, and to do all of the following:

29 (A) Recommend scientifically sound conservation strategies
30 for species and natural communities proposed to be covered by
31 the plan.

1 (B) Recommend a set of reserve design principles that addresses
2 the needs of species, landscapes, ecosystems, and ecological
3 processes in the planning area proposed to be addressed by the
4 plan.

5 (C) Recommend management principles and conservation goals
6 that can be used in developing a framework for the monitoring
7 and adaptive management component of the plan.

8 (D) Identify data gaps and uncertainties so that risk factors can
9 be evaluated.

10 (6) The agreement shall require coordination with federal
11 wildlife agencies with respect to the federal Endangered Species
12 Act (16 U.S.C. Sec. 1531 et seq.).

13 (7) The agreement shall encourage concurrent planning for
14 wetlands and waters of the United States.

15 (8) The agreement shall establish an interim process during plan
16 development for project review wherein discretionary projects
17 within the plan area subject to Division 13 (commencing with
18 Section 21000) of the Public Resources Code that potentially
19 conflict with the preliminary conservation objectives in the
20 planning agreement are reviewed by the department prior to, or as
21 soon as possible after the project application is deemed complete
22 pursuant to Section 65943 of the Government Code and the
23 department recommends mitigation measures or project alternatives
24 that would help achieve the preliminary conservation objectives.
25 As part of this process, information developed pursuant to
26 paragraph (5) of subdivision (b) of Section 2810 shall be taken
27 into consideration by the department and plan participants. Any
28 take of candidate, threatened, or endangered species that occurs
29 during this interim period shall be included in the analysis of take
30 to be authorized under an approved plan. Nothing in this paragraph
31 is intended to authorize take of candidate, protected, or endangered
32 species.

33 (9) The agreement shall establish a process for public
34 participation throughout the plan development and review pursuant
35 to Section 2815.

36 (10) (A) *The agreement shall, pursuant to subdivision (e) of*
37 *Section 2801, identify all lands within the planning area that are*
38 *classified by the State Geologist as containing mineral deposits*
39 *of regional or statewide significance within the meaning of*

1 *paragraph (2) of subdivision (b) of Section 2761 of the Public*
2 *Resources Code.*

3 *(B) (i) If classified mineral resources exist on lands within the*
4 *planning area, the agreement shall include participation by the*
5 *State Geologist, who shall be responsible for recommending plan*
6 *principles that promote the conservation and development of the*
7 *identified mineral resources for the benefit of the region or the*
8 *state while minimizing impacts to wildlife.*

9 *(ii) The State Geologist shall evaluate, among other plan*
10 *principles, and, if feasible, recommend, exclusion from the planning*
11 *area of lands containing identified mineral resources or, when*
12 *reclamation practices are proposed that would render the*
13 *reclaimed lands suitable for future inclusion within the planning*
14 *area, temporary exclusion until the mineral resources are*
15 *developed.*

16 *(c) The approval of the planning agreement is not a project*
17 *pursuant to Division 13 (commencing with Section 21000) of the*
18 *Public Resources Code.*

19 *(d) Prior to department approval of the planning agreement, the*
20 *public shall have 21 calendar days to review and comment on the*
21 *proposed planning agreement.*